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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/730,053 | 12/09/2003 | Kenichiro Aridome | 246314US6 | 2956 |
| 22850 | 7590 | 06/01/2009 | | |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER ZHAO, DAQUAN | |
| | | | ART UNIT 2621 | PAPER NUMBER |
| | | | NOTIFICATION DATE 06/01/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/730,053 | Applicant(s) ARIDOME, KENICHIRO | |
| | Examiner DAQUAN ZHAO | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11,12,14,15,17-27,29-32,34,36,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11,12,14,15,17-27,29-32,34,36,38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-9, 11-12, 14-15, 17-27, 29-32, 34, 36 and 38-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al (US 6,308,005 B1).

Claim 23 is directed to "A reproducing Apparatus". However, the body of the claim only specifies the function of the reproducing apparatus without any structure

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limitation. The examiner does not give any patentable weight to the function of this claim. Therefore, claim 23 only directed to "a reproducing apparatus" Ando et al teach a "Information Recording/ Reproducing Section" 32 for disk 1001, in figure 11, which anticipates "a Reproducing Apparatus" of claim 23.

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971);< In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). **"[A]pparatus claims cover what a device is, not what a device does."** Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). See MPEP 2114 [R-1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-9, 11-12, 25-27, 29-32, 34, 36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al (US 6,833,865 B1), in view of Ando et al (US 6,308,005 B1) and further in view of Official Notice.

For claim 1, Fuller et al teach a method of compressing and recording data of image information on a recording medium according to a decoding and reproducing unit

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comprising a plurality of frames (e.g. column 7, lines 31-50, the phrase “a decoding and reproducing unit comprising a plurality of frames” corresponds to “video frames”), a method comprising:

- performing compression of inputted image data (e.g. column 7, lines 31-50, MPEG or motion JPEG);

- generating additional information about the inputted image data (e.g. column 5, lines 42-57, metadata corresponds to “additional information” as claimed); and

- multiplexing an additional information block that includes the additional information generated in the generating step at a block position immediately before or after a group of blocks that includes compressed image information processed by compression encoding through the use of only image information in the decoding and reproducing unit, and recording the additional information block on the recording medium (e.g. column 5, line 65- column 6, line 36, Metadata is formatted into packets, and multiplexed with the video and audio packets, and metadata packet is placed along side the digital video and audio packets),

- wherein the additional information includes at least application information, recording time information, and camera information (Fuller et al also teach , in column 5, lines 42-56, the “time/date” information of the “record function” of the DVR (digital video recorder, see abstract, also see column 9, lines 40-48) corresponds to the recording time information; “position derived from the GPS satellites” corresponds to the claimed “application information”; the “f-stops” corresponds to the claimed “camera information”).

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However, Fuller et al fail to teach at a block position immediately after pack that contains reproduction management information of the inputted image data and immediately before a group of blocks that include compressed image information processed by compressed encoding; and application information includes a vendor name as a manufacturer of a product, and a product name. Ando et al teach “at a block position immediately after pack that contains reproduction management information of the inputted image data and immediately before a group of blocks that include compressed image information processed by compressed encoding.”; and manufacturer information (e.g. column 30, lines 19-53, figure 23d-23e shows the manufactures information table 2216 (MNFIT) is immediately after the Text Data Manager 2215 (TXT_DT_MG) and immediately before the Movie Video Recording Objects 2202).It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ando et al into the teaching of Fuller et al to better interpret the supplementary service information for the AV content .

However, Fuller et al and Ando et al fail to specify the Manufactures information table 2216 can include a product name and vendor name. The examiner takes Official Notice for the product name and vendor name because they are well know in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the product name and vendor name into the Manufactures information table 2216 taught by Fuller et al and Ando et al to better interpret the supplementary service information for the AV content.

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For claim 39, Ando et al teach an application identifier (e.g. column 21, lines 11-25).

For claim 38, Ando et al teach the recording time information includes time zone information (e.g. column 33, lines 19-25).

Claims 7 and 25 are rejected for the same reasons as discussed in claim 1 above.

For claims 2, 8 and 26, Fuller et al teach the additional information comprises one or more of the blocks (e.g. column 6, line 6-9).

For claims 3, 9 and 27, Fuller et al teach the additional information block is multiplexed at a predetermined block position and is recorded on the recording medium (e.g. column 6, lines 19-36).

For claims 5, 11 and 29, Fuller et al teach the additional information includes at least information about a time to obtain the image information (e.g. column 5, lines 42-64, tim/date or time stamp).

For claims 6, 12 and 30, Fullet et al teach the additional information includes information about the condition of obtaining the image information (e.g. column 5, lines 42-52, lens properties).

For claim 31, Fuller et al teach multiplexing only one additional information block in a video object unit corresponding to each group of blocks (the number of additional information does not make any patentable difference).

For claims 32, 34 and 36, Fuller et al teach addition recording identifier (e.g. column 9, lines 22-33, user label).

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6. Claims 14-15, 17-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al (US 6,833,865 B1) and Ando et al (US 6,308,005B1) as applied to claims 1-3, 5-9, 11-12, 25-27, 29-32, 34, 36, 38-39 above, and further in view of Kikuchi et al (US 2002/0,041,754 A1).

See the teaching of Fuller et al and Ando et al above.

For claim 19, Fuller et al and Ando et al fails to teach reading compressed image information according to the decoding and reproducing unit from the recording medium, decompressing the compressed image information, and reproducibly outputting image information according to the decoding and reproducing unit; and extracting the additional information contained in the read/write unit and reproducibly outputting the additional information in synchronization with reproduction output of the image information according to the decoding and reproducing unit contained in the corresponding read/write unit

Kikuchi et al teach reading compressed image information according to the decoding and reproducing unit from the recording medium, decompressing the compressed image information, and reproducibly outputting image information according to the decoding and reproducing unit (e.g. paragraph [0072] teach the data are encoded in MPEG compression format, and the data must be decoded in MPEG decompression format); and extracting the additional information contained in the decoding and reproducing unit and reproducibly outputting the additional information in synchronization with reproduction output of the image information according to the decoding and reproducing unit (e.g. [0097]-[0098], the decoder which is user for

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reproduction, wherein the operation of the decoder is in synchronization with the System Time Clock (TSC), packs in figure 3, which include the RDI pack, V pack and A pack and SP pack, are extracted by the decoder in synchronism with the STC). It would have been to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kikuchi et al into the teaching of Fuller et al and Ando et al for generating metadata descriptions that can be effectively used to index the content for downstream applications such as searching.

Claim 20 is rejected for the same reasons as discussed in claim 19 above, wherein paragraph [0083] teach data in the VOB in figure 3, which contains the V pack is reproduced in accordance with the time code specify in the RDI pack, which corresponds to “using the reproduced additional information to control image information according to the decoding and reproducing unit (VOB) contained in the corresponding read/write unit.

Claims 21 and 24 **are** rejected for the same reasons as discussed in claim 20 above, wherein figure 1 discloses the key input section, which contains play, stop, REC, and TS...etc commands, and user can use these command to control the system in figure 1 to “reproducibly outputting the encoded image information in the decoding and reproducing unit repeatedly for the number of decoding and reproducing units fewer than the number of decoding and reproducing units contained in the read/write unit” because user can stop playing the decoder when the reproducing data from the read/write unit before all the data in the read/write unit is reproduced.

Claim 22 is rejected for the same reasons as discussed in claim 22 above.

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For claim14, Fuller et al teach the additional information comprises one or more of the blocks (e.g. column 6, line 6-9).

For claim15, Fuller et al teach the additional information block is multiplexed at a predetermined block position and is recorded on the recording medium (e.g. column 6, lines 19-36).

For claim 17, Fuller et al teach the additional information includes at least information about a time to obtain the image information (e.g. column 5, lines 42-64, tim/date or time stamp).

For claim18, Fuller et al teach the additional information includes information about the condition of obtaining the image information (e.g. column 5, lines 42-52, lens properties).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/

Examiner, Art Unit 2621